

1 THE HONORABLE BARBARA J. ROTHSTEIN

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 BOFI FEDERAL BANK, a federally chartered
9 banking institution,
10 Plaintiff,

NO. 14-CV-484 BJR

11 v.

ORDER SETTING ORAL ARGUMENT
ON DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

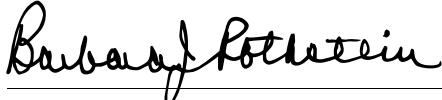
12 ADVANCE FUNDING LLC; KIRK A.
13 TOVEY, individually and as trustee of the
14 KIRK A. TOVEY REVOCABLE TRUST; and
15 SETTLEMENT COLLECTION SERVICE,
LLC,
Defendants.

16 Having reviewed the Motion for Summary Judgment of Defendants Kirk A. Tovey and
17 Settlement Collection Service, LLC, and all pleadings submitted in support of and in response
18 to that Motion, the Court hereby calls for oral argument. The oral argument is scheduled for
19 11:00 a.m. on Friday, October 26, 2018; each side is allotted 15 minutes.

20 Counsel shall be prepared to argue all aspects of the Motion, but in particular respond
21 to the following: (1) Whether Sheena Venzant's assignment of her lottery winnings on May 21,
22 2013 to Advance Funding constituted a breach or repudiation of her contract with BofI Federal
23 Bank; and, (2) if so, how Defendants Tovey and Settlement Collection Service could be found
24 to have induced such breach if, as the undisputed evidence demonstrates, they were unaware of
25 either Ms. Venzant's identity, or any agreement she may have had with BofI, until sometime in
June 2013, after the May 21, 2013 contract with Advanced Funding was executed.

1 The currently scheduled Pretrial Conference shall commence immediately following
2 the oral argument.

3 Signed this 22nd day of October, 2018.
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7 Barbara Jacobs Rothstein
8 U.S. District Court Judge
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